IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 912 of 2006 (O&M)

Date of Decision : 22.08.2006

Sedeek ...Appellant

Versus

Virender and others ... Respondents.

CORAM : HON'BLE MR. JUSTICE UMA NATH SINGH
HON'BLE MR. JUSTICE S.D. ANAND

Present : None.

UMA NATH SINGH, J. (ORAL)

No one appears in the second round after pass over.

This FAO arises out of an award dated 25.4.2005 passed by the learned Presiding Officer, Motor Accident Claims Tribunal, Jind, in Claim Petition No. 103 of 31.10.2003, awarding a sum of Rs.4,04,000/- in death case of a 30 years old man and in Claim Petition No. 28 of 20.3.2004, a sum of Rs. 1,70,000/- in an injury case with 35% disability with 9% per annum interest from the date of filing the petition till realization. It appears that this appeal has been preferred only in respect of the award pertaining to the injury case.

We have carefully perused the award. The Tribunal appears to have taken a just and reasonable view, inasmuch as it has awarded Rs. 1,10,000/- towards disability, Rs.18,000/- towards loss of income, Rs.10,000/- towards medical bills and Rs.32,000/- for pain, suffering and trauma of life. From the averments in the appeal, it appears that the appellant is also aggrieved by 9% rate of interest and wants a higher interest rate of

24% per annum. Looking at the latest judgment of Hon'ble the Supreme Court, wherein the interest has been awarded at the rate of 7.5% per annum, we do not find any ground to interfere.

Thus, we are not inclined to interfere also in respect of interest rate. Besides, filing of this FAO is barred by 147 days' inordinate delay. From the perusal of the application under Section 5 of the Limitation Act, we do not notice any sufficient cause to condone the delay. Moreover, Hon'ble the Apex Court in a judgment reported in AIR 1998 SC 2276 (P.K. Ramachandran versus State of Kerala and another) has held that the Courts cannot extend the limitation on equitable ground.

Accordingly, the FAO is dismissed on the ground of delay as well as on merits.

(UMA NATH SINGH)
JUDGE

August 22, 2006
vkd

(S.D. ANAND)
JUDGE